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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,116	04/30/2001	Jeffrey Bogatin	0545MH-40237E(1)	5238

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EXAMINER
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NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/846,116	<b>Applicant(s)</b> BOGATIN ET AL.	
	<b>Examiner</b> Saleh Najjar	<b>Art Unit</b> 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This action is responsive to the application filed on April 30, 2001. Claims 1-14 are pending. Claims 1-14 represent a system for RAPID COOKING OVEN WITH BROADBAND COMMUNICATION CAPABILITY TO INCREASE EASE OF USE.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ali, U.S. Patent No. 6,549,818.

Ali teaches the invention substantially as claimed including a cooking appliance and cooking system (see abstract).

As to claim 1, Ali teaches an improved oven for use in a residence, comprising:

(a) an oven including :

(1 ) a cooking chamber or at least one heating element; (2) a programmable controller for executing program instructions; (3) memory media for recording executable program instructions; and (4) at least one controllable cooking system under control of said programmable controller, providing a data-processing-controlled high speed cooking process which may be applied to food placed in said chamber (see fig. 1; col. 2, lines 40-67, Ali discloses an oven with temp controller, heating element, and memory for executing instructions);

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(b) a plurality of cooking programs recorded in said memory media of said oven for defining a plurality of high speed cooking routines available for use with said oven (see col. 2, line 64, Ali discloses a memory for storing recipe routines);

(c) a personal computer communicatively coupled to said programmable controller for managing the communication of digital content, which is at least in-part related to operation and utilization of said improved oven; and  
(d) a broadband communication channel extending from a source of digital content, which is external to said residence, to said residence, for delivering particular digital content related to said oven through said gateway server for distribution within said residence including distribution to said programmable controller of said oven in order to facilitate cooking operations utilizing said oven (see col. 3, lines 30-35, Ali discloses that the appliance/oven combination are connected to the Internet through a personal computer/ISP connection).

Ali fails to teach the claimed limitation of a gateway server facilitating communication with network resources. Ali does teach that the appliance computer 14 is connected to the oven controller and facilitates communication with external resources through a personal computer/ISP connection (see col. 3, lines 1-40).

"Official Notice" is taken that the concept and advantages of using a gateway server for connecting to an Internet resource is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ali by specifying a gateway server for facilitating communication to the network in place of the appliance computer taught by Ali. One would be motivated to do so to provide an interface between some external source of information and a server.

As to claim 2, Ali teaches the improved oven according to claim 1 wherein said appliance computer comprises a data processing device housed in a location external to said improved oven (see col. 3, lines 1-30, Ali discloses that the personal computer could be externally located from the oven/appliance).

As to claim 3, Ali teaches the improved oven according to claim 1, wherein said computer comprises at least one data processing device from the following data

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processing devices:

(1 ) a home personal computing system; (2) a set top cable box; (3) an internet appliance; (4) a combination television and internet appliance; (5) a home automation system; (6) a satellite communication system; (7) a residential broadband bi-directional communication system (see col. 3-4).

As to claim 4, Ali teaches the improved oven according to claim 1 wherein said appliance computer and said programmable controller of said oven communicate through an input/out system which allows at least one of the following types of communication:

(1) serial communication of data; (2) parallel communication of data; (3) communication of control signals; (4) communication of digital content (see col. 3, lines 5-35).

As to claim 5, Ali teaches the improved oven according to claim 1 wherein said programmable controller of said improved oven is communicatively coupled through said appliance computer to at least one of the following devices:

(1 ) a home personal computing system; (2) a home television system; (3) a home video display system; (4) a code reading device; and (5) a wireless and portable internet appliance (see col. 3, lines 1-40).

As to claim 6, Ali teaches the improved oven according to claim 1 wherein said programmable controller of said improved oven operates collaboratively with said appliance computer to define a broadband communication system which allows the bi-directional communication of digital content between a residence and resources external of said residence (see coll. 3-5).

As to claim 7, Ali teaches the improved oven according to claim 6 wherein said broadband communication system allows communication speeds as low as a slow modem and as high as a commercial connection (see col. 3-5).

Claims 8-14 do not teach or define any new limitations above claims 1-7 and therefore are ejected for similar reasons.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157